

Government of the District of Columbia  
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 721  
Z.C. Case No. 91-10  
(R-5 Text Amendments)  
October 19, 1992

The Zoning Commission for the District of Columbia initiated this case to consider and adopt appropriate amendments to the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. This case derives from the Zoning Consistency Project which aims to amend the Zoning Regulations to eliminate inconsistencies with the Comprehensive Plan. The proposed amendments would create a new R-5-C zone district with height and density standards between those of the existing R-5-B and R-5-D zone districts.

The creation of a new R-5-C zone district would require that the existing provisions for the R-5-D zone district would become those for the R-5-B zone district and that the existing provisions for the R-5-B zone district would become those of the newly designated R-5-C zone district. The purpose of the amendments is to establish a zone district that is more representative of a medium density residential land-use category.

Amendments to the text of the Zoning Regulations of the District of Columbia are authorized, pursuant to the Zoning Act (Act of June 20, 1938, 52 Stat 797, as amended, Section 5-413 et seq., D.C. Code, 1981 Ed).

The Office of Planning (OP) submitted its proposal for amendments to the text of the R-5 provisions of the Zoning Regulations on June 28, 1991. The Commission determined that the OP proposal presented a sound basis for consideration, and on July 8, 1991 decided to set the proposal for public hearing. The public hearing in this case was initially scheduled for October 7, 1991, but was postponed. Thereafter, a notice of public hearing for the R-5 Text Amendments was published in the D.C. Register on September 27, 1991 (37 DCR 6044).

On November 7, 1991, the Commission conducted a public hearing in this proceeding in accordance with the provisions of 11 DCMR 3021. The record of the hearing for this proceeding was completed and the hearing was adjourned.

All Advisory Neighborhood Commissions (ANCs) were notified of the public hearing in this case. The Zoning Commission received a letter from ANC 3C dated October 30, 1991 which contained a resolution supporting the proposed R-5 Text Amendments and another letter of support dated November 1, 1991. No ANC representative appeared or testified at the public hearing.

Howard University; Wilkes, Artis, Hedrick and Lane; the District of Columbia Building Industry Association; the Weihe Partnership; and Hartman-Cox Architects testified or submitted letters and documents in general support of the proposed regulations.

The District of Columbia Office of Planning, by memorandum dated November 1, 1991 and by testimony presented at the public hearing, provided the rationale for the proposed amendments, supported the proposal and made additional recommendations.

The Zoning Commission heard testimony from several organizations and persons and considered comments which included, but were not limited to, the following:

1. The height limit in the R-5-B should remain at 60 feet for campus buildings.
2. There are nonconforming structures in other R-5-B areas of the city, and the Zoning Commission has approved many R-5-B rezonings.
3. The proposed 40-foot height limit for the R-5-B zone district is too low because the height would be measured from the finished grade level at the middle of the front of the building to the ceiling of the top story. Therefore, the height limit should be 50 feet or if set at 45 feet, should include within the definition of "building, height of" that a zone district having a maximum height of 45 feet can measure the height to the ceiling of the top floor.
4. The revised height limit of 50 feet for the R-5-B zone district recommended by OP should be adopted.

The Commission concurs with the Office of Planning, and in part with ANC-3C and others. After considering and balancing all of the issues related to the proposed regulations, the Commission believes its decision appropriately furthers the implementation of the goals and policy objectives of the Comprehensive Plan.

The Commission believes that the proposed R-5 Text Amendments provide a medium density mid-rise apartment house district that

bridges the gap between the existing R-5-B and R-5-C zone districts.

The Commission further believes that its proposed decision to approve the R-5 Text Amendments is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

The proposed decision to approve the R-5 Text Amendments was referred to the National Capital Planning Commission (NCPC) on August 21, 1992, under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. By report dated October 8, 1992, NCPC found that the proposed test amendments would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital, provided that the proposed amendments are consistent with Sections 206(b) and 206(h)(2) of the Foreign Missions Act.

The Zoning Commission has accorded ANC 3C the "great weight" consideration to which it is entitled.

Notice of proposed rulemaking was published in the D.C. Register on September 11, 1992 (39 DCR 6866). As a result of the publication of that notice, the Zoning Commission received comments from Howard University dated October 13, 1992, and the District of Columbia Building Industry Association dated October 13, 1992.

Howard University requested that the Commission amend the proposed regulations to allow a maximum height of ninety (90) feet for a planned unit development (PUD) for a college or university use in the R-5-B District, instead of the 60 feet that is proposed.

The District of Columbia Building Industry Association recommended that the Commission leave the current designations of R-5-A through R-5-D in place and introduce the new medium density provisions as the "R-5-E" zone district, or redesignate the R-5 zone districts by some other label such as "RZ-5". The District of Columbia Building Association feels that either of their recommendations would alleviate any potential for confusion or reliance on information in existing certificates of occupancy concerning the zoning of the property.

On October 19, 1992 at its regular monthly meeting, the Zoning Commission considered draft Z.C. Order No. 721 and the comments received before taking final action in this case.

The Commission believes that the 60-foot height limit for a PUD in the R-5-B District is appropriate for a medium density zone

district, and does not concur with Howard University that a college or university use should be excepted.

The Commission believes that any confusion or terminology problems associated with the renaming of zone districts in the R-5 series will be minor in nature and short-lived, and that the regulations, as proposed, appropriately address the renaming of affected zone districts.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the amendments to the Zoning Regulations to establish a zone district that is more representative of a medium density residential land-use category. The specific amendments to the Zoning Regulations are as follows:

1. Amend subparagraph 105.1 (a)(5) to read as follows:

- (5) R-5 general residence, subdivided as follows:

- (A) R-5-A low density;
    - (B) R-5-B moderate density;
    - (C) R-5-C medium density;
    - (D) R-5-D medium-high density; and
    - (E) R-5-E high density;

2. Amend subsection 350.2 to read as follows:

350.2 The R-5 districts are subdivided into R-5-A, R-5-B, R-5-C, R-5-D and R-5-E districts. In R-5-A districts only a low height and density shall be permitted; in R-5-B a moderate height and density shall be permitted; in R-5-C a medium height and density shall be permitted; and in R-5-D and R-5-E districts a relatively high height and density shall be permitted.

3. Amend paragraph 350.4 (d) by deleting the phrase "or R-5-D districts," and inserting the phrase "R-5-D, or R-5-E districts,".
4. Amend paragraph 350.4 (g) by changing the phrase "R-5-C and R-5-D" to "R-5-D and R-5-E".
5. Amend subsection 350.6 by changing the phrase "R-5-C or R-5-D" to "R-5-D or R-5-E".

6. Amend subsection 355.1 by changing the term "R-5-D" to "R-5-E".
7. Amend the table in subsection 400.1 to read as follows:

DISTRICT	HEIGHT (feet)	HEIGHT (stories)
R-1-A, R-1-B, R-2 R-3, R-4, R-5-A	40	3
R-5-B	50	NO LIMIT
R-5-C	60	NO LIMIT
R-5-D	90	NO LIMIT
R-5-E	90	NO LIMIT

8. Amend subsection 400.2 by deleting the phrase "through 400.12." and inserting the phrase "through 400.13.".
9. Amend subsection 400.11 by deleting the phrase "and R-5-B district," and inserting the phrase "R-5-B, and R-5-C district,".
10. Renumber the existing subsection 400.12 to 400.13 and add a new subsection 400.12 to read as follows:

400.12 In an R-5-B district, a college or university building or structure covered by an approved campus plan may be erected to a height not exceeding sixty feet (60').

11. Amend the table in subsection 401.3 under the column titled ZONING DISTRICT AND STRUCTURE by inserting ",R-5-E" after the term "R-5-D".

12. Amend the table in subsection 402.4 to read as follows:

ZONING DISTRICT	FLOOR AREA RATIO (F.A.R.)
R-1-A, R-1-B, R-2, R-3, R-4	None prescribed
R-5-A All structures	0.9

R-5-B		
All structures		1.8
R-5-C		
All structures		3.0
R-5-D		
All structures		3.5
R-5-E		
Apartment house and hotel		6.0
Any other structure		5.0

13. Amend the table in subsection 403.2 under the column titled ZONING DISTRICT AND STRUCTURE by adding the term ",R-5-E" to the phrase "R-5-C, R-5-D" to provide a maximum lot occupancy of 75 percent (%) in R-5-C, R-5-D and R-5-E districts.
14. Amend the table in subsection 404.1 under the column titled ZONING DISTRICT by adding the term ",R-5-D" to the phrase "R-5-B, R-5-C" and by deleting the existing term "R-5-D" and inserting in its place "R-5-E".
15. Amend subsection 405.6 by deleting the phrase "or R-5-D district." and inserting in its place the phrase "R-5-D, or R-5-E district.".
16. Amend the table in subsection 405.9 under the column titled ZONING DISTRICT by adding the term ",R-5-E" to the phrase "R-5-B, R-5-C, R-5-D".
17. Amend the table in subsection 406.1 to clarify the court provisions for the R-5-C, R-5-D and R-5-E districts as follows, all other provisions of the table remain the same:

ZONING DISTRICT AND STRUCTURE	WIDTH OF OPEN COURT	WIDTH AND AREA OF CLOSED COURT
R-5-C, R-5-D One family dwelling	3 inches per foot of height of court, but not less than 6 feet	Width: 4 inches per foot of height of court, but not less than 15 feet.  Area: Twice the

		square of the required width of court dimension based on the height of court, but not less than 350 sq.ft.
All other structures	3 inches per foot of height of court, but not less than 10 feet	Width: 4 inches per foot of height of court, but not less than 15 feet.  Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 sq.ft.
R-5-E One-family dwelling	3 inches per foot of height of court, but not less than 6 ft.	Width: 4 inches per foot of height of court, but not less than 15 ft.  Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 sq. ft.
Hotel	2 1/2 inches per foot of height of court, but not less than 6 ft.	Width: 2 1/2 inches per foot of height of court, but not less than 12 ft.  Area: Twice the square of the required width

o f c o u r t  
dimension based  
on the height  
of court, but  
not less than  
250 sq. ft.

All other structures      3 inches per  
per foot of  
height of court,  
but not less than  
10 ft.

Width: 4 inches  
per foot of  
height of court,  
but not less than  
15 ft.

Area: Twice the  
square of the  
required width  
o f c o u r t  
dimension based  
on the height  
of court, but  
not less than  
350 sq. ft.

18. Amend subsection 1701.7 by changing "R-5-D" to "R-5-E".
19. Amend paragraph 2003.6 (a) by deleting the phrase "and R-5-D;" and inserting in its place the phrase "R-5-D, and R-5-E;".
20. Amend the table in subsection 2101.1 under the "USES, Hotel or Inn:" column (p.21-3) by adding ",R-5-E" to the category with "R-5-D" which would require one space for each four sleeping rooms or suites.
21. Amend the portion of the table in subsection 2101.1 under "USES, RESIDENTIAL USES, Apartment house or multiple dwelling:" (p. 21-6) to read as follows:

**RESIDENTIAL USES**

**Apartment house or  
multiple dwelling:**

R-5-A, C-1	1 for each dwelling unit
R-5-B, C-2-A, C-3-A	1 for each 2 dwelling units
R-4, R-5-C, R-5-D, C-2-B, W, CR	1 for each 3 dwelling units
R-5-E, SP, C-2-C, C-3-B, C-3-C, C-4, C-5(PAD)	1 for each 4 dwelling units

22. Amend the table in subsection 2403.6 to change the height limits applicable to planned unit developments in R-5-B, R-5-C, R-5-D and R-5-E districts to read as follows:

ZONING DISTRICT	MAXIMUM HEIGHT
R-1-A, R-1-B, R-2, R-3	40 feet
R-4, R-5-A, W-1, W-2, C-M-1, R-5-B	60 feet
R-5-C	75 feet
R-5-D, R-5-E, W-3, C-M-2, C-M-3, M	90 feet

23. Amend the table in subsection 2403.12 to change the floor area ratio limits applicable to planned unit developments in R-5-B, R-5-C, R-5-D and R-5-E districts to provide as follows, the balance of the table remains unchanged:

ZONING DISTRICT	FLOOR AREA RATIO (FAR)
R-1-A, R-1-B, R-2	0.4
R-3	0.6
R-4, R-5-A	1.0
R-5-B	3.0
R-5-C	4.0
R-5-D	4.5
R-5-E	6.0

24. Amend paragraph 2514.3 (b) by deleting the phrase "and S-P districts;" and inserting in its place the phrase "R-5-E, and SP districts;".
25. Amend paragraph 3041.1 by deleting the phrase "R-5-C or R-5-D district," and inserting in its place "R-5-C, R-5-D or R-5-E district,".
26. Amend the table in subsection 3108.1 to include the R-5-E district under "Commercial adjuncts to hotel less than 100 rooms or suites" by amending only that portion of the table to read as follows:

TYPE OF SPECIAL EXCEPTION	DISTRICT	SECTION IN WHICH THE CONDITIONS ARE SPECIFIED
Commercial adjuncts to hotel less than 100 rooms or suites	R-5-B, R-5-C, R-5-D, or R-5-E district	Section 356

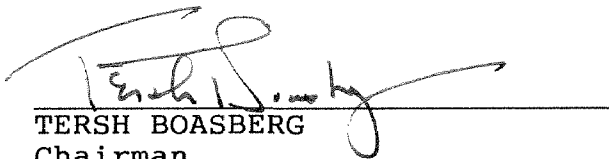
27. Amend the Zoning Map to change all existing references to "R-5-C" and "R-5-D" to "R-5-D" and "R-5-E", respectively.

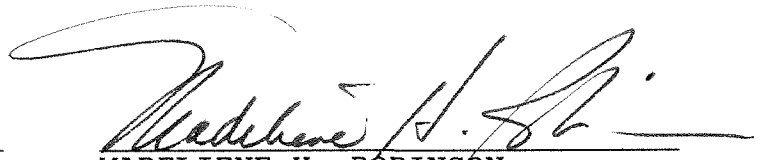
Vote of the Zoning Commission on proposed action taken at its regular monthly meeting of December 9, 1991: 4-0 (Maybelle Taylor Bennett, John G. Parsons, Lloyd D. Smith and Tersh Boasberg to approve the proposed amendments, as amended, to the Zoning Regulations; William L. Ensign, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its monthly meeting on October 19, 1992 by a vote of 4-0: (Maybelle Taylor Bennett, John G. Parsons, Lloyd D. Smith and Tersh Boasberg, to adopt; William L. Ensign, not voting, not having participated in the case).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is on

NOV 13 1992

  
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TERSH BOASBERG  
Chairman  
Zoning Commission

  
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MADELIENE H. ROBINSON  
Acting Director  
Office of Zoning